

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 12, 2006**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **CONDITIONAL USE PERMIT (CUP): Johnson Heath Center Parking Facility, 210, 214, 218 and 222 Federal Street.**

RECOMMENDATION: Approval of the requested conditional use permit petition.

SUMMARY: Centra Health is petitioning for a conditional use permit to allow the construction of a thirty (30) space parking lot to serve the Johnson Health Center. The Planning Commission recommended approval of the conditional use permit because:

- Petition agrees with the Comprehensive Plan which recommends a Traditional Residential use for this area. The plan indicates that expanded institutional uses are only appropriate for these areas if they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. The expansion of the Johnson Health Center Parking Area, an institutional use, incorporates significant landscaping, segmental block retaining walls and decorative fencing to blend with the existing character of the neighborhood. The Planning Division also views the success of the Center as a vital part of the revitalization efforts associated with the Fifth Street Master Plan.
- Petition agrees with the Zoning Ordinance in that off street parking lots for commercial uses are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council, provided that the commercial use is adjacent to the lot to be used for off street parking.

PRIOR ACTION(S):

August 23, 2006: Planning Division recommended approval of the rezoning.

Planning Commission recommended approval (7-0) with the following conditions:

1. Property will be developed in substantial compliance with the "Conditional Use Permit For Parking Facility For Johnson Health Center" site plan, dated July 13th, 2006 and received by the Department of Community Development on August 17th, 2006.
2. The developer agrees to employ Crime Prevention through Environmental Design [CPTED] principles in the design of the vegetative buffer, including the installation of thorny vegetation as part of the shrub filler for the vegetative buffer.
3. All interior lot lines shall be vacated prior to final site plan approval.
4. All lighting will be controlled so that no direct illumination will occur beyond any property line. Lighting style shall be compatible with the adjacent Garland Hill Historic District.
5. The proposed crosswalk across Third Street will be constructed and maintained by Centra Health. The crosswalk will be stamped asphalt.

FISCAL IMPACT: N/A

CONTACT:

Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Photos
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CENTRA HEALTH TO ALLOW PARKING LOT AT 210, 214, 218 AND 222 FEDERAL STREET, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Centra Health for a Conditional Use Permit at the Johnson Health Center for the construction of a thirty (30) space parking lot at 210, 214, 218 and 222 Federal Street be, and the same is hereby approved, subject to the following conditions:

1. Property will be developed in substantial compliance with the "Conditional Use Permit For Parking Facility For Johnson Health Center" site plan, dated July 13th, 2006 and received by the Department of Community Development on August 17th, 2006.
2. The developer agrees to employ Crime Prevention through Environmental Design [CPTED] principles in the design of the vegetative buffer, including the installation of thorny vegetation as part of the shrub filler for the vegetative buffer.
3. All interior lot lines shall be vacated prior to final site plan approval.
4. All lighting will be controlled so that no direct illumination will occur beyond any property line. Lighting style shall be compatible with the adjacent Garland Hill Historic District.
5. The proposed crosswalk across Third Street will be constructed and maintained by Centra Health. The crosswalk will be stamped asphalt.

Adopted:

Certified:

Clerk of Council

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: August 23, 2006

Re: **CONDITIONAL USE PERMIT (CUP): Johnson Heath Center Parking Facility, 210, 214, 218 and 222 Federal Street.**

I. PETITIONER

Centra Health, 1920 Atherholt Road, Lynchburg, VA 24501

Representative: Patrick Proffitt, Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject properties include four (4) tracts totaling approximately 0.44 (forty-four hundredths) of an acre at 210, 214, 218 and 222 Federal Street.

Property Owner: Centra Health, 1920 Atherholt Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow construction of a thirty (30) space parking lot to serve the Johnson Health Center at 210, 214, 218 and 222 Federal Street.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Traditional Residential use for this area. Adjacent land uses as designated by the Future Land Use Map include both Traditional Residential and Institutional uses.
- Petition agrees with the Zoning Ordinance in that off street parking lots for commercial uses are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council, provided that the commercial use is adjacent to the lot to be used for off street parking.
- The purpose of this petition is to allow construction of a thirty (30) space parking lot to serve the Johnson Health Center.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Traditional Residential use in this area. A Traditional Residential area applies to the City's older neighborhoods built before World War II and before the City was zoned. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment and community building efforts. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments.

The expansion of the Johnson Health Center Parking Area, an institutional use, incorporates significant landscaping, segmental block retaining walls and decorative fencing to blend with the existing character of the neighborhood. The Planning Division also views the success of the Center as a vital part of the revitalization efforts associated with the Fifth Street Master Plan. Given the existing zoning and the proposed architectural treatments the proposed parking lot is suitable for the property.

2. **Zoning.** The subject property was annexed into the City in 1870. The existing R-3, Medium Density Two-Family Residential zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On July 13th, 2004, City Council approved the Lynchburg Planning Commission's petition to rezone the approximately thirty-five and two-tenths (35.2) acres within the Garland Hill Historic District from R-3, Medium Density Two-Family Residential District, to R-2, Low-Medium Density Single-Family Residential District, to allow the continued use of properties as single-family residential homes.
- On April 12th, 1994, City Council approved Tina Barringer's CUP petition to amend a previously approved Conditional Use Permit to expand an existing bed and breakfast establishment in the existing structure at 215 Harrison Street from four (4) to five (5) rooms, from five (5) to fifteen (15) guests and the parking area from five (5) to eight (8) parking spaces.
- On October 12th, 1993, City Council approved Lynchburg Parks & Recreation's CUP petition to relocate and expand the existing playground area to the front of the property of the existing Yoder Recreational Center at 109 Jackson Street.
- On May 12th, 1992, City Council approved the Lynchburg Office of Economic Development's CUP petition to allow off-street parking for approximately one hundred and five (105) cars on one and six-tenths (1.6) acres at Lucado Place and Clay Street in an R-3, Medium Density Two-Family Residential District to serve an adjacent proposed commercial use.
- On June 11th, 1991, City Council approved Tina Barringer's CUP petition to operate a bed and breakfast establishment in the existing structure at 215 Harrison Street and to construct a parking area for approximately five (5) cars.
- On May 8th, 1990, City Council approved Robert Sherman's CUP petition to operate a bed and breakfast establishment with five (5) guest rooms at 405 Madison Street.

5. **Site Description.** The subject property is bounded to the north and east by single-family residential homes, to the southeast by Johnson Health Center, to the south by a combination of single-family residential homes and commercial uses and to the west by the office of the non-profit group The Haven, Inc. and single-family homes.

6. **Proposed Use of Property.** The purpose of this petition is to allow construction of a thirty (30) space, off-street parking lot to serve Johnson Health Center. The representative has designed the landscaping to be consistent with the City's Landscape Ordinance; this landscaping includes street trees (extended along the frontage of Federal Street and Third Street, respectively), parking lot screening, parking lot landscaping and buffering of the adjacent residential properties.

Using Crime Prevention through Environmental Design [CPTED] principles, the designer has agreed to install thorny vegetation as part of the shrub filler for the vegetative buffer. The filler will be used in conjunction with a three (3) foot earthen berm to serve the dual purpose of screening the parking area as well as protecting both the users of the lot and the adjacent property owners. In addition, the petitioner proposes to install a segmental block retaining wall around the perimeter of the lot, ranging in height from three (3) to ten (10) feet. The petitioner will install a fence along the top of the wall as a protective measure for the site; the fence will be decorative to blend with the character of the adjacent neighborhood.

7. **Traffic and Parking.** The City's Traffic Engineer requested that a pedestrian connection be provided at the intersection of Federal and Third Streets to connect the parking facility with the existing Johnson Health Center Building. The representative revised their site plan to extend the existing sidewalk from Federal Street to the proposed parking area entrance on Third Street as well as provide a pedestrian cross-walk across Third Street to Johnson Health Center.

Although parking requirements for the Johnson Health Center are sufficient to meet City Code the usage of the facility currently exceeds the available parking on every business day. The petitioner proposes to expand the available parking to meet the increased demand at the current facility.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The development will manage the increased stormwater flows through an existing underground stormwater conveyance system currently located under portions of Third and Federal Streets. It is anticipated that stormwater from the proposed lot will be collected by a catch basin located at the southwest corner and conveyed to an existing drop inlet located at the corner of Third and Federal Streets with detention requirements likely met using

underground storage piping. The stormwater receiving channel from the site will be the existing City of Lynchburg underground stormwater conveyance system. Further analysis of the system will be included in the final site construction documents.

It is anticipated that stormwater quality for the final site will be satisfied using a structural BMP due to the space limitations of the site. The exact type of device will be determined during the design phase of the project based on criteria set forth by the City of Lynchburg and Chapter 2 of the Virginia Stormwater Management Handbook. In addition, the City's landscape ordinance provides a water quality credit for all landscaping installed on the site.

9. **Emergency Services.** The City's Fire Marshal had no comments regarding the conditional use permit for the proposed parking lot.

The City Police Department had no comments on the proposed parking facility.

10. **Impact.** The construction of thirty (30) space off-street parking lot for Johnson Health Center will have limited impact on the surrounding neighborhood. The design and layout of the architectural treatments used for the retaining wall and the fence are acceptable to the Planning Division. Using Crime Prevention through Environmental Design [CPTED] principles, the designer has agreed to install thorny vegetation as part of the shrub filler for the vegetative buffer. The combination of the wall, fence, shrubs and lighting will provide a safe overflow area for Johnson Health Center clients to park, as well as protection for adjacent property owners.

The representative has designed the landscaping to be consistent with the City's Landscape Ordinance; this landscaping includes street trees (extended along the frontage of Federal Street and Third Street, respectively), parking lot screening, parking lot landscaping and buffering of the adjacent residential properties.

The City's Traffic Engineer requested that a pedestrian connection be provided at the intersection of Federal and Third Streets to connect the parking facility with the existing Johnson Health Center Building. The representative revised their site plan to extend the existing sidewalk from Federal Street to the proposed parking area entrance on Third Street as well as provide a pedestrian cross-walk across Third Street to Johnson Health Center. The City's Traffic Engineer has reviewed the revised plan and determined that the new layout is acceptable.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The development will manage the increased stormwater flows through an existing underground stormwater conveyance system currently located under portions of Third and Federal Streets. It is anticipated that stormwater from the proposed lot will be collected by a catch basin located at the southwest corner and conveyed to an existing drop inlet located at the corner of Third and Federal Streets with detention requirements likely met using underground storage piping. The stormwater receiving channel from the site will be the existing City of Lynchburg underground stormwater conveyance system. Further analysis of the system will be included in the final site construction documents. Stormwater quality for the final site will be satisfied by using a structural BMP due to the space and landscaping limitations of the site. The proposed management strategy is acceptable to the City's Environmental Planner.

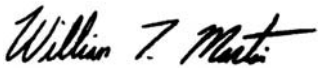
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on August 1, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Centra Health's petition for a Conditional Use Permit (CUP) at 210, 214, 218 and 222 Federal Street to allow for the construction of a thirty (30) space off-street parking facility for the Johnson Health Center, subject to the following conditions:

1. Property will be developed in substantial compliance with the "Conditional Use Permit For Parking Facility For Johnson Health Center" site plan, dated July 13th, 2006 and received by the Department of Community Development on August 11th, 2006.
2. The developer agrees to employ Crime Prevention through Environmental Design [CPTED] principles in the design of the vegetative buffer, including the installation of thorny vegetation as part of the shrub filler for the vegetative buffer.
3. All interior lot lines shall be vacated prior to final site plan approval.
4. All lighting will be controlled so that no direct illumination will occur beyond any property line. Lighting style shall be compatible with the adjacent Garland Hill Historic District.
5. The proposed crosswalk across Third Street will be constructed and maintained by Centra Health. The crosswalk will be stamped asphalt.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Capt. Michael L. Thomas, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Patrick Proffitt, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
2. Vicinity Proposed Land Use
3. Site Plan
4. Proposed Wall and Fence Photos

MINUTES FROM THE AUGUST 23, 2006 PLANNING COMMISSION MEETING. THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE COMMISSION.

Petition of Centra Health for a Conditional Use Permit at 210-222 Federal Street to allow the construction of a parking area for the Johnson Health Center in an R-3, Medium Density Residential District.

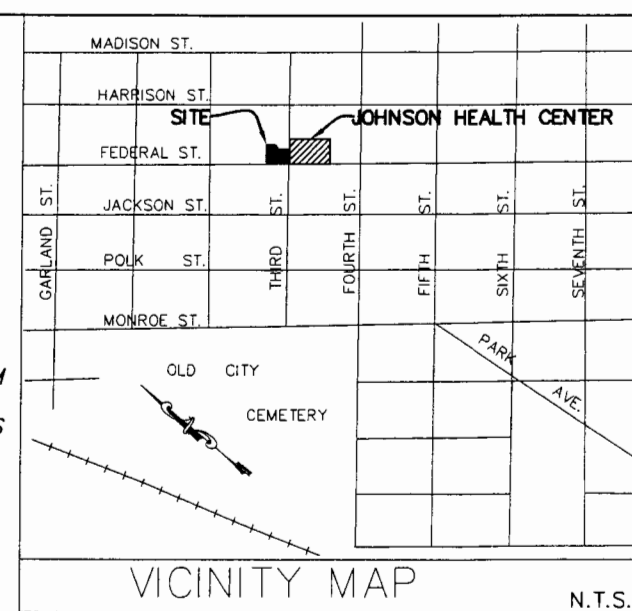
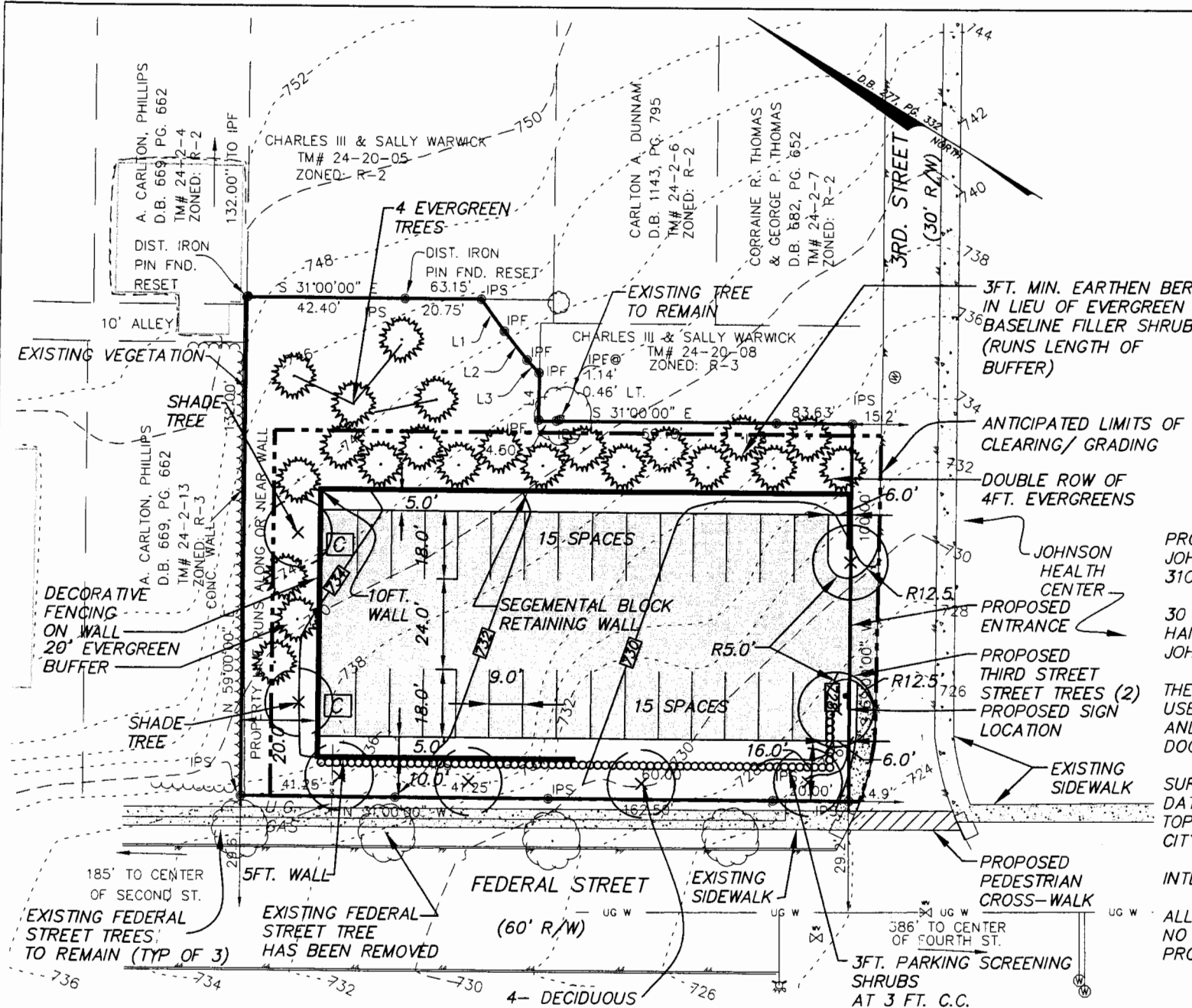
After discussion, Commissioner Sale made the following motion, which was seconded by Commissioner Swienton and passed by the following vote:

"That the Planning Commission recommends to City Council approval of Centra Health's petition for a Conditional Use Permit (CUP) at 210, 214, 218 and 222 Federal Street to allow for the construction of a thirty (30) space off-street parking facility for the Johnson Health Center, subject to the following conditions:

1. Property will be developed in substantial compliance with the "Conditional Use Permit For Parking Facility For Johnson Health Center" site plan, dated July 13th, 2006 and received by the Department of Community Development on August 11th, 2006.
2. The developer agrees to employ Crime Prevention through Environmental Design [CPTED] principles in the design of the vegetative buffer, including the installation of thorny vegetation as part of the shrub filler for the vegetative buffer.
3. All interior lot lines shall be vacated prior to final site plan approval.
4. All lighting will be controlled so that no direct illumination will occur beyond any property line. Lighting style shall be compatible with the adjacent Garland Hill Historic District.
5. The proposed crosswalk across Third Street will be constructed and maintained by Centra Health. The crosswalk will be stamped asphalt.

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton, Worthington	7
NOES:		0
ABSTENTIONS:		0





PROPOSED PARKING AREA TO SERVE THE JOHNSON HEALTH CENTER LOCATED AT 310 FEDERAL STREET- PROPERTY IS ZONED: R-3.

30 SPACES ARE PROPOSED HANDICAP SPACES ARE PROVIDED AT JOHNSON HEALTH CENTER PARKING LOT.

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED USE AS PART OF THE CONDITIONAL USE PERMIT PROCESS AND IS NOT INTENDED TO BE A FINAL CONSTRUCTION DOCUMENT.

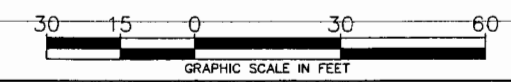
SURVEY INFORMATION PER PLAT BY HURT & PROFFITT, DATED: 12/10/01. TOPOGRAPHICAL INFORMATION WAS TAKEN FROM CITY OF LYNCHBURG TOPOGRAPHICAL INFORMATION.

INTERNAL LOT LINES TO BE VACATED BY SEPARATE PLAT.

ALL EXTERIOR LIGHTING WILL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE.

FLOOD NOTE:
THIS PROPERTY DOES NOT FALL WITHIN FLOOD ZONE 'A' AS SHOWN ON FLOOD INSURANCE RATE MAP FOR CITY OF LYNCHBURG COMMUNITY PANEL NUMBER 510093-0010B

[C] COMPACT CARS ONLY



ENGINEERING & SURVEYING >> PLANNING

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.9047 FAX

CONDITIONAL USE PERMIT
FOR PARKING FACILITY FOR
JOHNSON HEALTH CENTER
LYNCHBURG, VIRGINIA

RECEIVED
AUG 17 2006
COMMUNITY PLANNING
& DEVELOPMENT

PROJECT NO. 20060157
DATE: 07/13/06
DRAWN BY: DLC
CHECKED BY: PCP

SHEET NO.
1 OF 2